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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,029	09/30/2005	Laszlo Kerekes	27793-00097USPX	9254

23932 7590 12/14/2006

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EXAMINER

LIU, JONATHAN

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,029

Applicant(s)

KEREKES ET AL.

Examiner

Jonathan J. Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/30/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tufenkjian (US 1,733,034) in view of Bradbury (US 4,826,249). Tufenkjian discloses a seat cushion comprising a plurality of tubular pockets (3) arranged side by side (see figure 3), of which each pocket is connected to the adjacent pockets by means of seams (4); each pocket comprises a pouch (1) which consists of an elastic plastic material (col. 1, lines 44-45) with a valve (11), wherein each pocket can be filled with compressed air (col. 2, lines 72-73); the totality of the pockets are enclosed by a shell (12). It would have been obvious to sew the pockets to the shell instead of using fasteners (10) for a more permanent and secure attachment means. With respect to the limitations of a "material of low elasticity" [e.g. the pockets and the shell], it is within an ordinary level of skill in the art to vary the elasticity of the materials being used in inflatable devices – depending upon on expansion preferences (as set by manufacturer, etc.), which ultimately affects the resilience of the cushion. Although Tufenkjian is silent to the exact elasticity of the pockets and shell, it would have been obvious to make the materials of a low elasticity in order to provide a "tight" and stable cushion.

Although Tufenkjian does not teach a seat cushion *and* a backrest cushion, Bradbury teaches to use the same cushion structure for a seat cushion and a backrest cushion (see figure 3). Tufenkjian and Bradbury are analogous because they are from the same field of endeavor, i.e. cushions. It would have been obvious to modify the invention of Tufenkjian to include a backrest member equivalent in structure to the seat cushion as disclosed (by Tufenkjian). The motivation would have been to provide

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adequate support for a user's back. Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 1.

With regards to claims 2 and 3, it is simply a matter of preference to design the seat/back cushions wherein the pockets are either arranged parallel to the direction of the seat or across the seat cushion (as shown by Bradbury). It would have been an obvious matter of design since applicant has not disclosed that the pocket orientation solves any stated problems or is for any particular purpose and it appears that the invention would perform equally well with either of the claimed pocket orientations. Furthermore, it is well within an ordinary level of skill within the art to orient the pockets of Tufenkjian as preferred.

In regards to claim 4, all the pockets in the seat cushion and the back cushion are of the same size (see figure 3 of Tufenkjian).

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tufenkjian (US 1,733,034) in view of Bradbury (US 4,826,249), in further view of Sekido et al. (US 4,965,899). Tufenkjian as modified, teaches the inventions of claims 2 and 3. However, Tufenkjian does not teach that the cross dimensions of the pockets vary in size (as best understood by the meaning of "differently selected"). Sekido et al. teach an inflatable cushion comprising tubular elements that vary in size (see figure 8). Tufenkjian and Sekido et al. are analogous because they are from the same field of endeavor, i.e. cushions. It would have been obvious to one of ordinary skill in the art to modify the pouches of Tufenkjian to vary in their cross dimensions. The motivation

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would have been to provide a more contoured surface increasing comfort. Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 5.

Regarding claim 6, the pockets of the seat and the backrest cushions can be filled individually with compressed air (inherently taught by Tufenkjian: col. 2, lines 72-73).

With regards to claim 7, Tufenkjian as modified, does not teach to vary the pockets along their longitudinal dimensions. Sekido et al. teach an inflatable cushion comprising tubular elements that vary along their longitudinal dimension (see figure 7). It would have been obvious to one of ordinary skill in the art to modify the tubular elements of Tufenkjian to vary along their longitudinal length. The motivation would have been to provide a more contoured surface increasing comfort. Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 5.

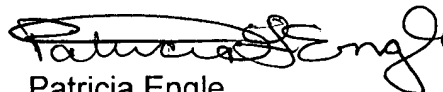
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

12-8-00

Jonathan Liu
Patent Examiner
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